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VIA ECF

The Honorable Paula Xinis
United States District Court
District of Maryland
6500 Cherrywood Lane
Greenbelt, MD 20770

Re: Discovery Issues in *United States v. Masood*, No. 8:22cr91-PX (D. Md.)

Dear Judge Xinis:

Mr. Masood’s counsel write to provide the Court with a brief update on the status regarding some of the discovery issues in this case. The government’s productions since the hearing on August 29, 2024 raise additional serious concerns that it has violated and is continuing to violate its obligations under Jencks, Rule 16, *Brady*, and *Giglio*, as well as multiple Orders of this Court.

The government’s production of “**Alerts database reports**,” the first item addressed in the Joint Status Report filed one week ago (Doc. 273 at 1 (bold font in original)), is one of the more notable examples. Materials in this production reveal that the government still has not produced at least 20 emails authored by Special Agent Joshua Kimrey, the case agent (“SA Kimrey”), and at least seven emails authored by Barbara Rosas a/k/a Barbara Johnson, another government witness. Mr. Masood’s counsel will be sending a letter to government counsel about these and numerous other discovery issues.

Moreover, despite the Court’s observations that SA Kimrey was “playing games” when he testified and has “a credibility issue” (Doc. 271, 8/29/24 Tr. at 158:21 – 159:7 (addressing his testimony regarding electronic devices)), the government is continuing to rely on him to gather materials that it must produce (and in a number of instances was required to produce long ago).

In addition to a number of other motions, Mr. Masood’s counsel plan to file at least one motion to dismiss demonstrating that, even more so given the evidence that has come to light since the hearing on August 29, this Court should not allow this case to proceed to trial.

Thank you for your attention to this matter.

September 13, 2024

Respectfully submitted,

/s/ Joshua D. Greenberg
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2024, a true and accurate copy of the foregoing document and any attachments thereto was served via email on all counsel of record.

/s/ Joshua D. Greenberg
Joshua D. Greenberg